

**UNITED STATES DISTRICT COURT**

DISTRICT OF ARIZONA  
OFFICE OF THE CLERK

**RICHARD H. WEARE**  
DISTRICT COURT EXECUTIVE / CLERK OF COURT  
SANDRA DAY O'CONNOR U. S. COURTHOUSE  
SUITE 130, 401 W. WASHINGTON ST., SPC 1  
PHOENIX, ARIZONA 85003-2118

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EVO A. DECONCINI U.S. COURTHOUSE  
405 W. CONGRESS, SUITE 1500  
TUCSON, ARIZONA 85701-5010

Matthew J. Dykman  
Clerk of Court  
333 Lomas Boulevard, NW  
Suite 270  
Albuquerque, NM 87102

September 12, 2005

**FILED**  
UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

SEP 16 2005

RE: USA v. Salvador Randy Abeyta  
Your case number: CR-05-1849 *SA*  
Arizona case number: 05-03241M-001

**MATTHEW J. DYKMAN**  
CLERK

Dear Clerk of the Court:

The above charge originated in your district. The defendant has appeared before Edward C. Voss in the District of Arizona. The following action has been taken.

- ☐ U S MARSHAL HAS BEEN ORDERED TO REMOVE THE DEFENDANT TO THE CHARGING DISTRICT.
- ☒ THE DEFENDANT HAS BEEN ORDERED TO APPEAR IN THE CHARGING DISTRICT ON: 9/15/05 at 9:00 a.m. before Magistrate Judge Puglisi

Enclosed are the certified copies of the original documents in our file. Please certify receipt of the documents on the enclosed duplicate of this letter and return it to our office.

Sincerely,

**RICHARD H. WEARE,**  
CLERK OF COURT/DISTRICT COURT EXECUTIVE

By: *Sally A. Turner*

Sally Turner  
Deputy Clerk

Enclosures

*The staff of the Clerk's Office ensures the effective, efficient and professional delivery of clerical and administrative services, while fostering a customer-friendly and employee-friendly environment.*

130

CLOSED

**U.S. District Court  
DISTRICT OF ARIZONA (Phoenix Division)  
CRIMINAL DOCKET FOR CASE #: 2:05-mj-03241-LOA-ALL  
Internal Use Only**

Case title: USA v. Abeyta

Date Filed: 08/26/2005

Other court case number: CR 05-1849 District of New  
MexicoAssigned to: Magistrate Judge  
Lawrence O Anderson**Defendant****Salvador Abeyta (1)***TERMINATED: 09/01/2005*represented by **Jason D Lamm**Law Office of Jason D Lamm  
1300 E Missouri Ave  
Ste B-200

Phoenix, AZ 85014-3203

(602)222-9237

*TERMINATED: 08/29/2005**LEAD ATTORNEY**ATTORNEY TO BE NOTICED**Designation: Retained***Jeanette Elizabeth Alvarado**

Federal Public Defender's Office

850 W Adams St

Ste 201

Phoenix, AZ 85007

602-382-2700

Fax: 602-382-2800

Email: Jeanette\_Alvarado@fd.org

*TERMINATED: 08/29/2005**LEAD ATTORNEY**ATTORNEY TO BE NOTICED**Designation: Public Defender or**Community Defender Appointment***Pending Counts**

None

**Disposition****Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Disposition****Highest Offense Level(Terminated)**

None

**Complaints**

None

**Disposition****Plaintiff**

USA

represented by: **Darcy A Cerow**  
US Attorney's Office  
40 N Central Ave  
Ste 1200  
Phoenix, AZ 85004-4408  
602-514-7500  
Fax: 602-364-7929  
Email: Darcy.Cerow@USDOJ.GOV  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
08/26/2005	<a href="#"><b>1</b></a>	Arrest of Salvador Abeyta (SMA) (Entered: 08/26/2005)
08/26/2005	<a href="#"><b>1</b></a>	Rule 5(c)(3) Documents from the District of New Mexico as to Salvador Abeyta in Indictment No. CR 05-1849. (Warrant Attached: # 1)(SMA) (Entered: 08/26/2005)
08/26/2005	<a href="#"><b>2</b></a>	Minute Entry for proceedings held before Judge Lawrence O Anderson :Appointment of Counsel Hearing as to Salvador Abeyta held on 8/26/2005. Appointing Jeanette Elizabeth Alvarado for Salvador Abeyta with Appointment Type: AFD. Initial Appearance in Rule 5(c)(3) Proceedings as to Salvador Abeyta held on 8/26/2005. Financial Affidavit Taken. Appearance entered by Jeanette Elizabeth Alvarado for Salvador Abeyta on behalf of defendant. Detention Hearing set for 8/29/2005 03:30 PM before Magistrate Judge Edward C Voss. Defendant temporarily detained. Identity Hearing waived on 8/26/05 as to Salvador Abeyta.(Recorded on CourtSmart) (SMA) (Entered: 08/26/2005)
08/26/2005	<a href="#"><b>3</b></a>	WAIVER of Rule 5 Hearings by Salvador Abeyta. Defendant waived identity hearing (SMA) (Entered: 08/26/2005)
08/29/2005	<a href="#"><b>4</b></a>	NOTICE OF APPEARANCE: Jason D Lamm appearing for Salvador Abeyta. Attorney Jeanette Elizabeth Alvarado terminated. (SMA) (Entered: 08/30/2005)

08/29/2005	35	Minute Entry for proceedings held before Judge Edward C Voss :Detention Hearing as to Salvador Abeyta submitted on 8/29/2005. Defendant released with conditions and electronic monitoring. Added attorney Jeanette Elizabeth Alvarado for Salvador Abeyta. Attorney Jason D Lamm terminated in case as to Salvador Abeyta. Defense counsel Jason Lamm requested the Court to disregard his Notice of Appearance filed on 8/29/05. There being no objection by current appointed defense counsel or the government, the Court will not consider it a valid Notice of Appearance. (Recorded on CourtSmart) (SMA) (Entered: 08/30/2005)
08/29/2005	36	ORDER Setting Conditions of Release . Signed by Judge Edward C Voss on 8/29/2005. (KAL) (Entered: 09/01/2005)
09/01/2005	37	ORDER that defendant, Salvador Abeyta, appear in District of New Mexico on September 15, 2005 at 9:00 am, before Magistrate Judge Puglisis, US District Court, 333 Lomas NW, Cimarron, Courtroom 5th Floor, Albuquerque, NM. . Signed by Judge Edward C Voss on 8/30/05. (CSH. ) (Entered: 09/01/2005)

(Rev. 10/03) Order Holding Defendant

## UNITED STATES DISTRICT COURT

DISTRICT

ARIZONA

UNITED STATES OF AMERICA

V.

Salvador Randy Abeyta

ORDER HOLDING DEFENDANT TO  
ANSWER AND TO APPEAR  
IN DISTRICT OF PROSECUTION  
OR DISTRICT HAVING  
PROBATION JURISDICTION

Case Number: 05-03241M

Charging District Case Number: CR-05-1849

The defendant having appeared before this Court pursuant to Rule 5(c)(3), Fed. R. Crim. P., and proceedings having been concluded and the defendant released;

IT IS ORDERED that the defendant be held to answer in the United States District Court for the

District of NEW MEXICO; and shall appear at all proceedings as required.

The defendant shall next appear at (if blank, to be notified) U.S. District Court, 333 Lomas NW, Cimarron

Place and Address

Ctrm-5th Floor, Albuquerque, NM on 9/15/05 at 9:00 before Magistrate Judge Puglisi

Date and Time

★ Defendant is to call the New Mexico District Court at 505-348-2050 and advise them if he will be retaining counsel or requesting Court Appointed Counsel.



Signature of Judicial Officer

8-30-05

Thereby attest and certify on  
Date that the foregoing document is a true, true and correct  
copy of the original on file in my office and in my  
custody.

CLERK U.S. DISTRICT COURT  
DISTRICT OF ARIZONA

By Sturmer Deputy

Hon. Edward C. Voss, U.S. Magistrate  
Judge

SCANNED E-FILED

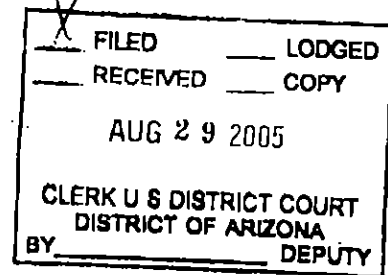
(17)

**United States District Court--District of Arizona - Phoenix**  
**Order Setting Conditions of Release**

DATE: 8/29/2005CASE NUMBER: 05-03241M-001USA vs. Salvador Randy Abeyta☐ PERSONAL RECOGNIZANCE☐ AMOUNT OF BOND \_\_\_\_\_☐ UNSECURED☐ SECURED BY \_\_\_\_\_

SECURITY TO BE POSTED BY \_\_\_\_\_

NEXT APPEARANCE or as directed through counsel

☐ 401 West Washington St., Phoenix, AZ, Courtroom #4, 4 Floor☐ Goodwin & Cortez, US Post Office Bldg., Prescott, AZ, 2nd Floor**IT IS ORDERED THAT DEFENDANT IS SUBJECT TO THE FOLLOWING CONDITIONS AND SHALL:**

- ☒ appear at all proceedings as required and to surrender for service of any sentence imposed.
- ☒ not commit any federal, state or local crime.
- ☒ immediately advise the court, defense counsel and U.S. Attorney in writing of change in address/telephone number.
- ☒ maintain or actively seek verifiable employment if defendant is physically or medically able and provide proof of such to Pretrial Services.
- ☒ not travel outside of: Maricopa County and District of New Mexico  
except Defendant may travel directly to the prosecuting district, and through all states and counties in between the District of Arizona and the prosecuting district, for Court purposes and lawyer conferences only unless express PRIOR Court or Pretrial Services permission is granted to do so.
- ☐ avoid all direct or indirect contact with persons who are considered alleged victim(s), potential witness(es), family members of victim(s)/witness(es), and/or ( ) the custodial parent, except Defendant may communicate with custodial parent solely for visitation purposes with his/her minor child(dren): \_\_\_\_\_
- ☒ report as directed to the U.S. PRETRIAL SERVICES 1-800-769-7609 or 602-322-7350.
- ☐ report as directed to the U.S. PROBATION OFFICE 602-322-7400 and abide by all terms of conditions of Supervised Release/Probation.
- ☐ execute an agreement to forfeit upon failing to appear as required, the bond or designated property: \_\_\_\_\_
- ☐ Defendant is placed in the third party custody of \_\_\_\_\_
- ☒ refrain from ☒ any ☐ excessive use of alcohol and not use or possess any narcotic or other controlled substance defined by 21 USC 802 unless prescribed for defendant by a licensed medical practitioner in the course of his/her legitimate medical practice.
- ☒ participate in drug/alcohol counseling/treatment and submit to drug/alcohol testing, including breathalyzer testing and make copayment toward the cost as directed by U. S. Pretrial Services.
- ☒ surrender any passport to the Clerk of the Court by \_\_\_\_\_
- ☒ obtain no passport.
- ☐ not possess or attempt to acquire any firearm, destructive device, or other dangerous weapon or ammunition.
- ☒ maintain weekly contact with his/her counsel by Friday, noon of each week with Jeanette E. Alvarado
- ☐ shall timely pay his/her monthly child support payments as previously ordered by the subject state court in the total amount of \$ \_\_\_\_\_
- ☐ The defendant shall actively participate in any mental health treatment program as directed by Pretrial Services. The defendant shall comply with all treatment requirements including taking all medication as prescribed by his/her mental health care provider.
- ☐ \_\_\_\_\_

**ADVICE OF PENALTIES AND SANCTIONS**

The commission of any offense while on pretrial release may result in an additional sentence upon conviction for such offense to a term of imprisonment of not more than ten years if the offense is a felony or a term of imprisonment of not more than one year if the offense is a misdemeanor. This sentence shall be consecutive to any other term of imprisonment.

Title 18 U.S.C. §1503 makes it a criminal offense punishable by imprisonment for life or by death, or, depending upon the specific provisions of the section not more than twenty years or by not more than ten years, and a \$250,000 fine to intimidate a juror or officer of the court; Title 18 U.S.C. §1510 makes it a criminal offense punishable by up to five years imprisonment and a \$250,000 fine to obstruct a criminal investigation; Title 18 U.S.C. §1512 makes it a criminal offense punishable by imprisonment for life or by death, or, depending upon the specific provisions of the section by not more than twenty years or by not more than ten years and a \$250,000 fine for tampering with a witness, victim or informant; or by intentionally harassing another person and thereby hindering /delaying /preventing or dissuading any person from attending or testifying in an official proceeding or otherwise violating the section is punishable by imprisonment for not more than one year and a \$250,000 fine; and 18 U.S.C. §1513 makes it a criminal offense punishable by imprisonment for life or by death, or, depending upon the specific provisions of the section not more than twenty years or by not more than ten years of imprisonment, a fine of \$250,000, or both, to retaliate against a witness, victim or informant, or threaten or attempt to do so.

It is a criminal offense under 18 U.S.C. §3146, if after having been released, the defendant knowingly fails to appear as required by the conditions of release, or to surrender for the service of sentence pursuant to a court order. If the defendant was released in connection with a charge of, or while awaiting sentence, surrender for the service of a sentence, or appeal or certiorari after conviction, for: (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, the defendant shall be fined not more than \$250,000 or imprisoned for not more than ten years, or both; (2) an offense punishable by imprisonment for a term of five years or more, the defendant shall be fined not more than \$250,000 or imprisoned for not more than five years or both; (3) any other felony, the defendant shall be fined not more than \$250,000 or imprisoned not more than two years, or both; (4) a misdemeanor, the defendant shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be consecutive to the sentence of imprisonment for any other offense. In addition, a failure to appear may result in the forfeiture of any bail posted.

If the person was released for appearance as a material witness, a fine as provided by law or imprisonment for not more than one year, or both.

**ACKNOWLEDGMENT OF DEFENDANT**

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

DATE <u>8/29/05</u>	SIGNATURE OF DEFENDANT 
---------------------	---

Custodian agrees to (a) supervise the defendant in accordance with all conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and to notify the court immediately in the event the defendant violates any condition of release or disappears. We, the undersigned, have read and understand the terms of this bond and conditions of release and acknowledge that we are bound by it until duly exonerated.

SIGNATURE OF CUSTODIAN(S)
---------------------------

Directions to United States Marshal:

- ☒ The defendant is ORDERED released after processing.
- ☐ The United States Marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions of release.

DATE: 8/29/2005

  
EDWARD C. VOSS  
United States Magistrate Judge

USA, PTS/PROB, USM, DEFT, DEFT ATTY



USA v. Salvador Randy Abeyta CASE NUMBER 05-03241M-001**ADDITIONAL CONDITIONS OF RELEASE**

- ☒ The defendant will comply with electronic monitoring and follow all program requirements, including specific directions of the Pretrial Services Officer.
- ☒ The defendant will pay for the electronic monitoring one month in advance at the rate of \$3.26 per day or a percentage of total monthly cost as determined by Pretrial Services
- ☐ The defendant will participate in one of the following home confinement program components and abide by all the requirements of the program which ☐ will or ☐ will not include electronic monitoring or other location verification system. You shall pay all or part of the cost of the program based upon your ability to pay as determined by the pretrial services office or supervision officer.
- ☐ **Curfew.** You are restricted to your residence every day ☐ from \_\_\_\_\_ to \_\_\_\_\_, or ☐ as directed by the pretrial services office or supervising officer, or
- ☐ **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services, medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the pretrial services office or supervising officer; or
- ☐ **Home Incarceration.** You are restricted to your residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the pretrial services office or supervising officer.

ACKNOWLEDGMENT OF DEFENDANT  
DATED THIS 29<sup>th</sup> DAY OF

[Signature]  
August

2005.

I hereby attest and certify on 9-12-05  
that the foregoing document is a full, true and correct  
copy of the original on file in my office and in my  
custody.

CLERK U.S. DISTRICT COURT  
DISTRICT OF ARIZONA

By [Signature] Deputy



UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA - Phoenix

MAGISTRATE JUDGE'S MINUTES

DATE: 8/29/2005 CASE NUMBER: 05-03241M-001

USA vs. Salvador Randy Abeyta

U.S. MAGISTRATE JUDGE: EDWARD C. VOSS # 70BO

A.U.S. Attorney Darcy A. Cerow

INTERPRETER

LANGUAGE

Attorney for Defendant Jeanette E. Alvarado (AFPD)

MATERIAL WITNESS(es):

MATERIAL WITNESS(es) state true name(s) to be:

Attorney for Material Witness(es):

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☒ CUSTODY

DOA

☐ Financial Afdvt taken

☒ Rule 5(c)(3)

☐

Initial Appearance

☐

Defendant Sworn

☐

Defendant states true name to be

Defendant's true name.

☐

Appointment of counsel hearing held

☐

Financial Afdvt sealed

Further proceedings ORDERED in

**DETENTION HEARING:**

☐ Held ☐ Con't ☒ Submitted ☐ Reset

Set for:

Before:

☐ Defendant ordered temporarily detained in the custody of the United States Marshal

☒ Defendant ordered released w/conditions-electronic monitoring

☐ Defendant continued detained pending trial

☐ Flight risk ☐ Danger

**IDENTITY HEARING:**

☐ Held ☐ Con't ☐ Submitted ☐ Reset

☐ Waived

Set for:

Before:

☐ Warrant of removal issued.

**PRELIMINARY HEARING:**

☐ Held ☐ Con't ☐ Submitted ☐ Reset

☐ Waived

Set for:

Before:

☐ Probable cause found ☐ Dismissed

☐ Held to answer before District Court

**STATUS HEARING: re:**

☐ Held ☐ Con't ☐ Reset

Set for:

Before:

Other: The Court was contacted by defense counsel Jason Lamm. Mr. Lamm requested the Court to disregard his Notice of Appearance filed on 8/29/05. There being no objection by current appointed defense counsel or the government the Court will not consider it a valid Notice of Appearance. The Court addressed the defendant in this regard and the defendant indicated he wishes to proceed with appointed counsel, Ms. Alvarado. The Court affirms the appointment of Jeanette Alvarado. Defendant will be advised under separate order as to his date and time of appearance in the District of New Mexico.

Recorded by Courtsmart

BY: Phylis Durbin

Deputy Clerk

I hereby attest and certify on 9-12-05 that the foregoing document is a full, true and correct copy of the original on file in my office and in my custody.

CLERK U.S. DISTRICT COURT  
DISTRICT OF ARIZONA

By

*Stune*

Deputy

THIS DOCUMENT HAS NOT BEEN SUBMITTED  
ELECTRONICALLY AS REQUIRED BY THE  
DISTRICT OF ARIZONA'S ADMINISTRATIVE  
POLICIES AND PROCEDURES MANUAL  
JASON D. LAMM # 018454

1300 East Missouri Avenue  
Suite B-200  
Phoenix, Arizona 85014  
Telephone: (602) 222-9237  
Facsimile: (602) 222-2299  
Email: jlammm@cyberlawaz.com  
Attorney for the Defendant

AUG 29 2005

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

United States of America,

Plaintiff,

vs.

SALVADOR ABEYTA,

Defendant.

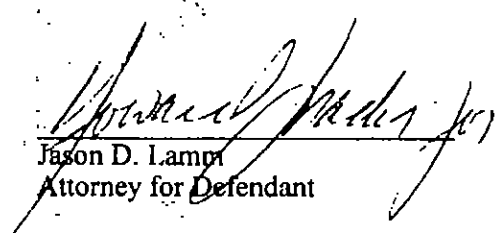
Cause No.: 05-MJ-3241 PHX-LOA

NOTICE OF APPEARANCE

(Assigned to the Honorable Edward C. Voss)

The undersigned hereby enters his appearance on behalf of the above named defendant  
for all further proceedings before this Court in the above captioned matter.

Respectfully submitted this 28<sup>th</sup> day of August 2005.

  
Jason D. Lamm  
Attorney for Defendant

1 Copies of the foregoing  
2 delivered this 28<sup>th</sup> day of  
3 August 2005, to:

4 Clerk's Office  
5 United States District Court

6 The Honorable Edward C. Voss  
7 U.S. Magistrate Judge

8 Darcy Cerow  
9 United States Attorney

10  
11  
12  
13  
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25  
By: M. Ortiz

I hereby attest and certify on 9-16-05  
that the foregoing document is a full, true and correct  
copy of the original on file in my office and in my  
custody.

CLERK U.S. DISTRICT COURT  
DISTRICT OF ARIZONA

By: Stuenkel

Deputy

AO 466 (Rev. 9/92) Waiver of Rule 40 Hearings

# UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF

ARIZONA

UNITED STATES OF AMERICA

V.

## WAIVER OF RULE 5(c)(3) HEARINGS (formerly Rule 40)

SALVADOR ABEYTA

CASE NUMBER: 05-3241M

I, Salvador Abeyta, understand that in the  
District of New Mexico, charges are pending  
alleging violation of 21 USC 848 and that I have been  
arrested in this District and taken before a United States Magistrate Judge who informed me of the charge and of my right  
to:

(1) retain counsel or request the assignment of counsel if I am unable to retain counsel, (2) request transfer of the proceedings  
to this district pursuant to Rule 20, Fed. R. Crim. P., in order to plead guilty, (3) an identity hearing to determine if I am the  
person named in the charge, and (4) a preliminary examination (unless an indictment has been returned or an information  
filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held  
either in this district or the district of prosecution.

☒ I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

- ☒ identity hearing
- ☐ preliminary examination
- ☒ identity hearing and have been informed I have no right to a preliminary examination
- ☐ identity hearing but request a preliminary examination be held in the prosecuting district
- ☐ I reserve my right to have a detention hearing in the prosecuting district

and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charge is  
pending against me.

Defendant

8/26/05  
Date

Defense Counsel

I, [Signature], and certify on 9/12/05  
that the foregoing document is a full, true and correct  
copy of the original on file in my office and in my  
custody.

CLERK U.S. DISTRICT COURT  
DISTRICT OF ARIZONA

By [Signature] Deputy

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA - Phoenix

## MAGISTRATE JUDGE'S MINUTES

DATE: 8/26/2005 CASE NUMBER: 05-03241M-001USA vs. Salvador AbeytaU.S. MAGISTRATE JUDGE: MORTON SITVER #: 70RAA.U.S. Attorney Darcy CerowINTERPRETER  
LANGUAGE \_\_\_\_\_Attorney for Defendant Jeanette Alvarado (AFPD)

MATERIAL WITNESS(es): \_\_\_\_\_

MATERIAL WITNESS(es) state true name(s) to be: \_\_\_\_\_

Attorney for Material Witness(es): \_\_\_\_\_

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☒ CUSTODYDOA 8/25/2005☒ Financial Afdvt taken☒ Initial Appearance☐ Defendant Sworn☒ Appointment of counsel hearing held☐ Financial Afdvt sealed☒ Rule 5(c)(3)☐ Defendant states true name to be \_\_\_\_ Further proceedings ORDERED  
in Defendant's true name.

<b>DETENTION HEARING:</b> <input type="checkbox"/> Held <input type="checkbox"/> Con't <input type="checkbox"/> Submitted <input type="checkbox"/> Reset Set for: <u>8/29/05 at 3:30 PM</u> Before: <u>MAGISTRATE JUDGE VOSS</u> <input checked="" type="checkbox"/> Defendant ordered temporarily detained in the custody of the United States Marshal <input type="checkbox"/> Defendant ordered released _____ <input type="checkbox"/> Defendant continued detained pending trial <input type="checkbox"/> Flight risk <input type="checkbox"/> Danger	<b>IDENTITY HEARING:</b> <input type="checkbox"/> Held <input type="checkbox"/> Con't <input type="checkbox"/> Submitted <input type="checkbox"/> Reset <input checked="" type="checkbox"/> Waived Set for: _____ Before: _____ <input type="checkbox"/> Warrant of removal issued.
<b>PRELIMINARY HEARING:</b> <input type="checkbox"/> Held <input type="checkbox"/> Con't <input type="checkbox"/> Submitted <input type="checkbox"/> Reset <input type="checkbox"/> Waived Set for: _____ Before: _____ <input type="checkbox"/> Probable cause found <input type="checkbox"/> Dismissed <input type="checkbox"/> Held to answer before District Court	<b>STATUS HEARING:</b> re: _____ <input type="checkbox"/> Held <input type="checkbox"/> Con't <input type="checkbox"/> Reset Set for: _____ Before: _____

Other: \_\_\_\_\_

Recorded by Courtsmart

BY: Sherise M. Marshall and Deputy Clerk  
that the foregoing document is a full, true and correct copy of the original on file in my office and in my custody.CLERK U.S. DISTRICT COURT  
DISTRICT OF ARIZONABy: St. James Deputy

**FILED**

UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO  
IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO  
AUG 23 2005

UNITED STATES OF AMERICA

Plaintiff,

vs.

DANA JARVIS, a/k/a Todd Ward,  
AYLA JARVIS,  
JORGE LUIS ORTIZ-MOFFETT,  
MIKE HANNAH,  
RALPH GREENE, a/k/a "RB,"  
GEORGE RIPLEY,  
CATHY FITZGERALD,  
DAVID REID,  
PAT BERSSENBRUGGE,  
BARBARA HANNA,  
GEORGE OSGOOD, a/k/a "Mushroom  
George,"  
GREG HILL,  
GENO BERTHOD, a/k/a "Old Man,"  
RUSSELL TRUJILLO, a/k/a "Rusty,"  
MATTHEW HOTTHAN, a/k/a "Matrix,"  
MANUEL GIL, a/k/a "Manny,"  
SAM JONES,  
SALVADOR ABEYTA,  
BILL JONES, a/k/a Charles Johnston,  
MARY CANNANT, and  
ADRIAN SANFORD,

Defendants.

**REDACTED**  
**INDICTMENT**

The Grand Jury charges:

**COUNT 1**

From approximately September 2002, the precise date being unknown to the Grand Jury, up to and including August 2005, in the State and District of New Mexico, and elsewhere, the defendants, DANA JARVIS, a/k/a Todd Ward, AYLAR JARVIS, JORGE LUIS ORTIZ-MOFFETT, MIKE HANNAH, RALPH GREENE, a/k/a "RB," GEORGE RIPLEY, CATHY FITZGERALD, DAVID REID, PAT BERSSENBRUGGE, BARBARA HANNA, GEORGE OSGOOD, a/k/a "Mushroom George," GREG HILL,

MATTHEW J. DYKMAN  
CLERK

CRIMINAL NO

**CR05 1849**

Count 1: 21 U.S.C. § 846 –  
Conspiracy to Distribute 1000  
Kilograms and More of Marijuana;

05-3241M

Count 2: 21 U.S.C. § 848 –  
Continuing Criminal Enterprise;

Count 3: 18 U.S.C. § 1956(h) –  
Conspiracy to Launder Money;

Counts 4 - 26: 18 U.S.C.  
§§ 1956(a)(1)(A)(i) and (a)(1)(B)(i) –  
Money Laundering;

18 U.S.C. § 982 and 21 U.S.C.  
§ 853: Criminal Forfeiture;

Certified a True Copy of the  
original filed in my office

by *Maya Culbert*  
Clerk

**GENO BERTHOD** a/k/a "Old Man," **RUSSELL TRUJILLO**, a/k/a "Rusty," **MATTHEW HOTTHAN**, a/k/a "Matrix," **MANUEL GIL**, a/k/a "Manny," **SAM JONES**, **SALVADOR ABEYTA**, **BILL JONES**, a/k/a Charles Johnston, **MARY CANNANT**, and **ADRIAN SANFORD**, did unlawfully, knowingly and intentionally combine, conspire, confederate and agree with each other and with other persons whose names are known and unknown to the grand jury to distribute 1000 kilograms and more of marijuana, a schedule I controlled substance, contrary to 21 U.S.C. §§ 841(a)(1) and (b)(1)(A).

**Manner and Means of the Conspiracy**

During the course of the conspiracy, the defendants participated in a collective endeavor, organized and supervised by defendant Dana Jarvis, to distribute marijuana for profit. Defendant Dana Jarvis obtained bulk wholesale quantities of marijuana from sources of supply in Tucson, Arizona, including defendant Jorge Luis Ortiz-Moffett. Prior to purchase, the marijuana was inspected for quality by Dana Jarvis or his daughter, defendant Ayla Jarvis. The marijuana would then be weighed and wrapped by conspirators including defendants Manuel Gil, Sam Jones, and Matthew Hotthan at "stash house" locations in Arizona owned and/or under the dominion and control of Dana Jarvis. From the Arizona stash houses, the marijuana was transported by conspirators including defendants Salvador Abeyta and Russell Trujillo to New Mexico where it was stored at additional stash houses owned by Dana Jarvis and/or other members of the conspiracy. From the New Mexico stash houses, the marijuana was transported by conspirators including defendant George Ripley to various locations throughout the United States, including Denver, Colorado; Columbus, Ohio; and Bloomington, Indiana. From Denver, defendant Geno Berthod transported the marijuana to the east coast of the United States. In Bloomington, defendant Greg Hill re-distributed the marijuana for profit. In Columbus the marijuana was re-distributed for profit by unindicted co-conspirators. The proceeds from the distribution of the



marijuana, in the form of United States currency, were then transported back to New Mexico, either via motor vehicle or aboard aircraft piloted by defendant David Reid. In New Mexico, the proceeds would be delivered to conspirators including defendant Barbara Hanna, who would count the proceeds. Some or all of the proceeds were then transported to defendant Mike Hannah in Tucson for safekeeping. Dana Jarvis would use the proceeds to purchase assets, to pay co-conspirators, and to purchase additional bulk marijuana for distribution.

In violation of 21 U.S.C. § 846.

#### COUNT 2

Between approximately September 2002, the precise date being unknown to the Grand Jury, and August, 2005, in the State and District of New Mexico, and elsewhere, defendant **DANA JARVIS**, a/k/a Todd Ward, did unlawfully, knowingly and intentionally engage in a continuing criminal enterprise, in that the defendant did violate the provisions of Title 21 of the United States Code, Sections 841(a) and 841(b), the punishment for which exceeds one year imprisonment, and such violations were part of a continuing series of violations of Title 21 of the United States Code that were undertaken by the defendant in concert with five or more other persons with respect to whom the defendant occupied a position of organizer, a supervisory position, or other positions of management, and from which the defendant obtained substantial income and resources, and the said violations included, without limitation, the following: (1) possession with intent to distribute marijuana in March 2005; (2) possession with intent to distribute marijuana in May 2005; and (3) possession with intent to distribute marijuana in July 2005.

In violation of 21 U.S.C. §§ 848(a), 848(c) and 18 U.S.C. § 2.

**COUNT 3**

From approximately September 2002, the precise date being unknown to the Grand Jury, up to and including August 2005, in the State and District of New Mexico, and elsewhere, the defendants, **DANA JARVIS**, a/k/a Todd Ward, **AYLA JARVIS**, **MIKE HANNAH**, **RALPH GREENE**, a/k/a "RB," **GEORGE RIPLEY**, **DAVID REID**, **PAT BERSSENBRUGGE**, **BARBARA HANNA**, **GEORGE OSGOOD**, a/k/a "Mushroom George," **GREG HILL**, **GENO BERTHOD**, a/k/a "Old Man," and **ADRIAN SANFORD**, did unlawfully, knowingly and intentionally conspire and agree together and with each other and with other persons whose names are known and unknown to the grand jury to commit the following offenses against the United States, that is, laundering of monetary instruments, in violation of 18 U.S.C. §§ 1956(a)(1)(A)(i) and 1956(a)(1)(B)(i).

In violation of 18 U.S.C. § 1956(h).

**COUNTS 4 - 12**

On or about the dates listed below, in the State and District of New Mexico, and elsewhere, defendant **DANA JARVIS** a/k/a Todd Ward did knowingly conduct and attempt to conduct financial transactions affecting interstate and foreign commerce, to wit: the transfer of currency through First State Bank checking account number 1874527, which involved the proceeds of specified unlawful activity, that is conspiracy to distribute marijuana in violation of 21 U.S.C. §§ 841(a)(1) and 846, with the intent to promote the carrying on of such specified unlawful activity, and knowing that each transaction was designed in whole or in part to conceal and disguise, the nature, location, source, ownership, and control of the proceeds of such specified unlawful activities, and that while conducting and attempting to conduct each financial transaction, knew that the property involved in the financial transaction, that is, the checks identified below, represented the proceeds of some form of unlawful activity:

<u>Count</u>	<u>Date Check Cleared</u>	<u>Amount of Check</u>	<u>Check Number</u>	<u>Name of Payee</u>
4	December 4, 2002	\$932.08	569	Commercial Federal
5	January 6, 2003	\$932.08	590	Commercial Federal
6	February 3, 2003	\$932.08	604	Commercial Federal
7	March 10, 2003	\$932.08	622	Commercial Federal
8	April 9, 2003	\$932.08	638	Commercial Federal
9	May 12, 2003	\$932.08	653	Commercial Federal
10	June 9, 2003	\$932.08	668	Commercial Federal
11	July 7, 2003	\$932.08	686	Commercial Federal
12	August 11, 2003	\$932.08	701	Commercial Federal

All in violation of 18 U.S.C. §§ 1956(a)(1)(A)(i), 1956(a)(1)(B)(i) and 2.

**COUNTS 13 - 23**

On or about the dates listed below, in the State and District of New Mexico, and elsewhere, defendant **DANA JARVIS** a/k/a Todd Ward did knowingly conduct and attempt to conduct financial transactions affecting interstate and foreign commerce, to wit: the transfer of currency through First State Bank savings account number 1223801, which involved the proceeds of specified unlawful activity, that is conspiracy to distribute marijuana in violation of 21 U.S.C. §§ 841(a)(1) and 846, with the intent to promote the carrying on of such specified unlawful activity, and knowing that each transaction was designed in whole or in part to conceal and disguise, the nature, location, source, ownership, and control of the proceeds of such specified unlawful activity, and that while conducting and attempting to conduct each financial transaction, knew that the property involved in the financial transaction, that is, the drafts identified below, represented the proceeds of some form of unlawful activity:

<u>Count</u>	<u>Date Draft Cleared</u>	<u>Amount of Draft</u>	<u>Name of Payee</u>
13	July 7, 2004	\$932.08	Commercial Federal
14	August 4, 2004	\$932.08	Commercial Federal
15	September 7, 2004	\$932.08	Commercial Federal
16	October 5, 2004	\$932.08	Commercial Federal
17	November 4, 2004	\$932.08	Commercial Federal
18	December 6, 2004	\$932.08	Commercial Federal
19	January 4, 2005	\$932.08	Commercial Federal
20	February 4, 2005	\$932.08	Commercial Federal
21	March 4, 2005	\$932.08	Commercial Federal
22	April 5, 2005	\$932.08	Commercial Federal
23	May 4, 2005	\$932.08	Commercial Federal

All in violation of 18 U.S.C. §§ 1956(a)(1)(A)(i), 1956(a)(1)(B)(i) and 2.

#### **COUNTS 24 - 26**

On or about the dates listed below, in the State and District of New Mexico, and elsewhere, defendants **DANA JARVIS**, a/k/a Todd Ward, and **MIKE HANNAH** did knowingly conduct and attempt to conduct financial transactions affecting interstate and foreign commerce, to wit: the transfer of currency from Compass Bank checking account number 87080587 into First State Bank checking account number 1874527, which involved the proceeds of specified unlawful activity, that is conspiracy to distribute marijuana in violation of 21 U.S.C. §§ 841(a)(1) and 846, with the intent to promote the carrying on of such specified unlawful activity, and knowing that each transaction was designed in whole or in part to conceal and disguise, the nature, location, source, ownership, and control of the proceeds of such specified unlawful activity, and that while conducting and attempting to conduct each financial transaction, knew that the property involved in the financial transaction, that is, the checks identified below, represented the proceeds of some form of unlawful activity:

<u>Count</u>	<u>Date Check Cleared</u>	<u>Amount of Check</u>	<u>Check Number</u>	<u>Name of Payee</u>
24	January 31, 2005	\$700.00	7321	Santa Fe Consulting
25	February 7, 2005	\$700.00	7351	Santa Fe Consulting
26	July 19, 2005	\$1,350.00	8038	Santa Fe Consulting

All in violation of 18 U.S.C. §§ 1956(a)(1)(A)(i), 1956(a)(1)(B)(i) and 2.

#### **FORFEITURE ALLEGATION**

Upon conviction of one or more of the offenses alleged in Counts 1 through 26 of this Indictment, the defendants, **DANA JARVIS**, a/k/a Todd Ward, **AYLA JARVIS**, **JORGE LUIS ORTIZ-MOFFETT**, **MIKE HANNAH**, **RALPH GREENE**, a/k/a "RB," **GEORGE RIPLEY**, **CATHY FITZGERALD**, **DAVID REID**, **PAT BERSSENBRUGGE**, **BARBARA HANNA**, **GEORGE OSGOOD**, a/k/a "Mushroom George," **GREG HILL**, **GENO BERTHOD** a/k/a "Old Man," **RUSSELL TRUJILLO**, a/k/a "Rusty," **MATTHEW HOTTHAN**, a/k/a "Matrix," **MANUEL GIL**, a/k/a "Manny," **SAM JONES**, **SALVADOR ABEYTA**, **BILL JONES** a/k/a Charles Johnston, **MARY CANNANT**, and **ADRIAN SANFORD**, shall forfeit to the United States pursuant to 21 U.S.C. § 853 any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of each offense in violation of 21 U.S.C. §§ 841, 846, or 848 for which the defendants are convicted, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the said offenses, and shall forfeit to the United States pursuant to 18 U.S.C. § 982(a)(1) all property, real and personal, involved in each offense in violation of 18 U.S.C. §§ 1956 or 1957, or conspiracy to commit such offense, for which the defendants are convicted, and all property traceable to such property, including but not limited to the following:

**1. MONEY JUDGMENT**

A sum of money equal to \$49,280,000.00 U.S. currency, representing the amount of money derived from or involved in the offenses, for which the defendants are jointly and severally liable.

**2. BANK ACCOUNTS**

a. All United States currency, funds, or other monetary instruments credited to account number 40455157, in the name of Dana Jarvis, located at Bank One.

b. All United States currency, funds, or other monetary instruments credited to account number 689832822, in the name of Dana Jarvis, located at Bank One.

c. All United States currency, funds, or other monetary instruments credited to account number 1874527, in the name of Dana Jarvis, located at First State Bank.

d. All United States currency, funds, or other monetary instruments credited to account number 1223801, in the name of Dana Jarvis, located at First State Bank.

e. All United States currency, funds, or other monetary instruments credited to account number 87080587, in the name of Continental Steel West Corp. d/b/a Continental Steel, located at Compass Bank.

f. All United States currency, funds, or other monetary instruments credited to account number 2504448676, in the name of RC Aviation, located at Compass Bank.

g. All United States currency, funds, or other monetary instruments credited to account number 7692176673, in the name of Barbara Hanna, located at Wells Fargo Bank.

**3. REAL PROPERTY**

a. 1440 Calle Cielo Vista, Bernalillo, New Mexico, which is more particularly described as follows:

TRACT LETTERED "C", OF THE SCHLAKE ADDITION, AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT ENTITLED "TRACTS A THROUGH D, SCHLAKE ADDITION, SANDOVAL COUNTY, NEW MEXICO", FILED IN THE OFFICE OF THE COUNTY CLERK OF SANDOVAL COUNTY, NEW MEXICO ON JULY 17, 1978, IN PLAT BOOK 2, FOLIO 237-B.

b. 3523 Central Avenue N.E., Albuquerque, New Mexico, which is more particularly described as follows:

LOTS NUMBERED TEN (10), ELEVEN (11) AND TWELVE (12) IN BLOCK NUMBERED FOUR (4) OF MONTE VISTA, AN ADDITION TO THE CITY OF ALBUQUERQUE, NEW MEXICO, AS THE SAME ARE SHOWN AND DESIGNATED ON THE MAP OF SAID ADDITION FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO, OCTOBER 14, 1926.

THERE IS EXCEPTED THE NORTHERLY PORTION OF SAID LOT TEN (10) WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT TEN (10) RUNNING

THENCE SOUTHERLY ALONG THE WESTERLY LINE OF NORTH CARLISLE AVENUE, 62.28 FEET TO THE SOUTHEAST CORNER OF THE TRACT HEREIN DESCRIBED; THENCE WESTERLY, PARALLEL WITH AND 60 FEET NORTHERLY AT RIGHT ANGLES FROM THE NORTHERLY LINE OF EAST CENTRAL AVENUE, 80.19 FEET TO THE SOUTHWEST CORNER OF THE TRACT HEREIN DESCRIBED; THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID LOT 10, 86.09 FEET TO THE NORTHWEST CORNER OF THE TRACT HEREIN DESCRIBED WHICH IS THE NORTHWEST CORNER OF SAID LOT 10; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF CAMPUS BOULEVARD, 86.97 FEET TO THE PLACE OF BEGINNING.

c. 8012 1<sup>st</sup> Street N.W., Albuquerque, New Mexico, which is more particularly described as follows:

LOT "A-1" OF THE PLAT OF LOTS A-1 AND A-2, LANDS OF LARRY SWANK, SITUATE WITHIN PROJECTED SECTION 22, T. 11 N., R. 3 E., N.M.P.M., BERNALILLO COUNTY, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON SAID PLAT FILED IN THE OFFICE OF



THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON  
FEBRUARY 2, 1995.

d. 28 Quail Run, Santa Fe, New Mexico.

4. CONVEYANCES

a. 1978 Beechcraft King Air C-90 Turboprop Aircraft, United States  
Registration Number N754TW, Serial Number LJ-754.

b. 1972 Cessna 421B Aircraft, United States Registration Number N3AJ,  
Serial Number 421B0230.

5. LIQUOR LICENSE

New Mexico Liquor License No. 2599 in the name of Club Rhythm and Blues  
located at 3523 Central N.E., Albuquerque, New Mexico, owned by Dana Jarvis.

If any of the above-described forfeitable property, as a result of any act or  
omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value;
- (e) has been commingled with other property which cannot be divided without  
difficulty;

It is the intent of the United States, pursuant to 21 U.S.C. § 853(p), as incorporated by  
18 U.S.C. § 982(b), to seek forfeiture of any other property of the defendants up to the  
value of the forfeitable property described above, including but not limited to the  
following:

1. REAL PROPERTY

a. 9227 West Weaver Circle, Casa Grande, Arizona, which is more particularly described as follows:

SITUATED IN PINAL COUNTY, ARIZONA TO WIT: LOT 2, OF WEAVER RANCH UNIT 1, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF PINAL COUNTY, ARIZONA, IN CABINET C OF MAPS, SLIDE 174.

b. 8018 1<sup>st</sup> Street N.W., Albuquerque, New Mexico, which is more particularly described as follows:

LOT "A-2" OF THE PLAT OF LOTS A-1 AND A-2, LANDS OF LARRY SWANK, SITUATE WITHIN PROJECTED SECTION 22, T. 11 N., R. 3 E., N.M.P.M., BERNALILLO COUNTY, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON SAID PLAT FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON FEBRUARY 2, 1995.

c. 5 Lauro Road, Santa Fe, New Mexico, which is more particularly described as follows:

LOT EIGHT (8), BLOCK FORTY-NINE (49), UNIT THREE (3), ELDORADO AT SANTA FE, AS SHOWN AND DELINEATED ON THE PLAT THEREOF (KNOWN AS SHEET 15), FILED JUNE 29, 1977, AS DOCUMENT NO. 404,723 AND RECORDED IN ELDORADO PLAT BOOK 5, AT PAGE 13, RECORDS OF SANTA FE COUNTY, NEW MEXICO.

d. 138 W. Berger Street #4, Santa Fe, New Mexico, which is more particularly described as follows:

UNIT 8, OF THE WEST BERGER STREET CONDOMINIUM, AS CREATED BY THE CONDOMINIUM DECLARATION FOR WEST BERGER STREET CONDOMINIUM, RECORDED IN BOOK 1027, PAGE 962, AS AMENDED, AND AS SHOWN ON CONDOMINIUM PLAT RECORDED AS EXHIBIT B TO FIRST AMENDMENT TO CONDOMINIUM DECLARATION, RECORDED IN BOOK 1730, PAGE 441, IN THE OFFICE OF THE COUNTY CLERK, SANTA FE COUNTY, NEW MEXICO.

e. 142 1/2 W. Berger Street, Santa Fe, New Mexico, which is more particularly described as follows:

UNIT FIVE (5), OF THE WEST BERGER STREET CONDOMINIUM, AS CREATED BY "CONDOMINIUM DECLARATION FOR WEST BERGER STREET CONDOMINIUM", DATED FEBRUARY 22, 1994 AND RECORDED IN BOOK 1027, PAGE 962, AS AMENDED BY "FIRST AMENDMENT TO CONDOMINIUM DECLARATION FOR WEST BERGER STREET

CONDOMINIUM", DATED JANUARY 25, 2000, RECORDED IN BOOK 1730, PAGE 441; AND AS SHOWN AND DELINEATED ON THE "SURVEY PLAT OF 134 WEST BERGER STREET CONDOMINIUM, 134 THROUGH 142 1/2 WEST BERGER STREET, SANTA FE N.M." ATTACHED TO THE FIRST AMENDMENT TO CONDOMINIUM DECLARATION AS EXHIBIT "B", ALL IN THE RECORDS OF SANTA FE COUNTY, NEW MEXICO.

- f. 3 Dovela Place, Santa Fe, New Mexico.
- g. 7596 Corrales Road, Corrales, New Mexico.
- h. Land in Mora County, New Mexico, which is more particularly

described as follows:

A CERTAIN TRACT OF LAND WITHIN THE MORA GRANT, BEING SITUATE IN SECTIONS 25 AND 36, TOWNSHIP 21 NORTH, RANGE 14 EAST, NEW MEXICO, PRINCIPAL MERIDIAN, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FOR THE SECTION CORNER COMMON TO SECTIONS 25 AND 36, TOWNSHIP 21 NORTH, RANGE 14 EAST, NEW MEXICO PRINCIPAL MERIDIAN; THENCE DUE NORTH A DISTANCE OF 847.82 FEET, THENCE S. 49°51'E., A DISTANCE OF 2614.45 FEET; THENCE S. 42°58'W. A DISTANCE OF 2109.41 FEET, THENCE S. 59°09'E. A DISTANCE OF 371 FEET; THENCE S. 70°54'E. A DISTANCE OF 256.95 FEET; THENCE DUE NORTH A DISTANCE OF 2106.99 FEET TO THE POINT AND PLACE OF BEGINNING. CONTAINING 82.044 ACRES, MORE OR LESS, TOGETHER WITH ALL WATER RIGHTS AND EASEMENTS PERTAINING TO THE ABOVE DESCRIBED PROPERTY.

- i. Land in Mora County, New Mexico, which is more particularly described

as follows:

TRACT B: A CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATE WITHIN THE MORA GRANT, IN SECTIONS 25 AND 36, TOWNSHIP 21 NORTH, RANGE 14 EAST, N.M.P.M. COUNTY OF MORA, STATE OF NEW MEXICO, AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT, ALSO BEING A POINT ON THE SANTA FE NATIONAL FOREST BOUNDARY, FROM WHICH POINT THE SECTION CORNER COMMON TO SECTIONS 25 AND 36 T. 21 N., R 14 E., N.M.P.M. BEARS SOUTH, A DISTANCE OF 847.82 FEET; THENCE FROM SAID POINT OF BEGINNING, S. 49°51'00"E., A DISTANCE OF 1307.22 FEET TO A POINT; THENCE S. 40°09'00"W., A DISTANCE OF 150.00 FEET TO A POINT; THENCE N. 49°51'00"W., A DISTANCE OF 1180.69 FEET TO A POINT ON THE SANTA FE NATIONAL FOREST BOUNDARY; THENCE

DUE NORTH, ALONG SAID FOREST BOUNDARY, A DISTANCE OF 196.24 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 4.284 ACRES MORE OR LESS. TOGETHER WITH ALL WATER RIGHTS AND EASEMENTS PERTAINING TO THE ABOVE DESCRIBED PROPERTY. SHOWN AS TRACT B ON PLAT OF SURVEY ENTITLED "REPLAT OF SURVEY FOR DANA JARVIS" PREPARED BY ARSENIO J. MARTINEZ, N.M.L.S. NO. 4254, IN JULY, 1972.

**2. BANK ACCOUNTS**

All United States currency, funds, or other monetary instruments credited to account number 79001021, in the name of Dave and Linda Reid, located at Sun State Bank.

A TRUE BILL:

*/s/*  
FOREPERSON OF THE GRAND JURY

*Robert D. Curbish, ASST. for*  
DAVID C. IGLESIAS  
United States Attorney

*JT*  
08/22/05 5:01pm

AO 442 (Rev. 5/93) Warrant for Arrest

# United States District Court

FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA

v.  
SALVADOR ABEYTA.

## WARRANT FOR ARREST

CASE NUMBER

CR05 1849

05-3241M

To: The United States Marshal  
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest SALVADOR ABEYTA.

Name

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

☒ Indictment ☐ Information ☐ Complaint ☐ Order of court ☐ Violation Notice ☐ Probation Violation Petition

charging him or her with (brief description of offense)

Count 1: 21 U.S.C. § 846 – Conspiracy to Distribute 1000 Kilograms and More of Marijuana

in violation of  
Title

21

United States Code, Section(s) 846

Matthew J. Dykman

Name of Issuing Officer

Signature of Issuing Officer

Court Clerk

Title of Issuing Officer

AUG 23 2005

ALBUQUERQUE, NEW MEXICO

Date and Location

Bail fixed at \$

by

Name of Judicial Officer

### RETURN

This warrant was received and executed with the arrest of the above-named defendant at

DATE RECEIVED

NAME AND TITLE OF ARRESTING OFFICER

SIGNATURE OF ARRESTING OFFICER

DATE OF ARREST